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### MINISTRY OF LAW

*New Delhi, April 5, 1958/Chaitra 15, 1880 (Saka)*

### THE ARMED FORCES (SPECIAL POWERS) REGULATION, 1958

No. 2 OF 1958

Promulgated by the President in the Ninth Year of the Republic of India.

A Regulation to enable certain special powers to be conferred upon officers of the armed forces in disturbed areas in the Kohima and Mokokchung districts of the Naga Hills-Tuensang Area.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Armed Forces (Special Powers) Regulation, 1958.

Short title,  
extent, com-  
mencement  
and duration.

(2) It extends to the Kohima and Mokokchung districts of the Naga Hills-Tuensang Area.

(3) It shall come into force at once.

(4) It shall remain in force for a period of one year.

2. In this Regulation,—

Definitions.

(a) "armed forces" means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(c) all other words and expressions used herein but not defined and defined in the Air Force Act, 1950, or the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.

Power to declare areas to be disturbed areas.

3. If the Governor of Assam is of opinion that the whole or any part of the Kohima district or the Mokokchung district in the Naga Hills-Tuensang Area is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, he may, by notification in the Official Gazette, declare the whole or any part of such district or districts, as the case may be, to be a disturbed area.

Special powers of the armed forces.

4. (1) Any commissioned officer, warrant officer, or non-commissioned officer not below the rank of Havildar of the armed forces may, in a disturbed area,—

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or

explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary.

5. Any person arrested and taken into custody under this Regulation shall be made over to the officer in charge of the nearest police station with the least possible delay together with a report of the circumstances occasioning the arrest.

Arrested persons to be made over to the police.

6. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Regulation.

Protection of persons acting under the Regulation.

7. No prosecution, suit or other legal proceeding shall lie in any court of law against any officer of the armed forces in respect of anything done in any part of the Kohima or Mokokchung district of the Naga Hills-Tuensang Area on or after the 23rd December, 1957, and before the commencement of this Regulation which might lawfully have been done in a disturbed area by the said officer, if this Regulation had been then in force; and all acts done during the said period, including the arrest of any person or recovery of any person or property shall be as valid as if they have been done at a time when this Regulation was in force.

Indemnity of officers of the armed forces for certain acts.

10 of 1897. 8. On the expiry of this Regulation, section 6 of the General Clauses Act, 1897, shall apply as if this Regulation had then been repealed by another Regulation.

Effect of expiry of the Regulation.

RAJENDRA PRASAD,  
*President.*

G. R. RAJAGOPAUL,  
*Addl. Secy. to the Govt. of India.*

